

REMARKS

Applicant requests reconsideration of the above-mentioned application in view of the foregoing amendments and following discussion.

1. The drawings are objected to under 37 CFR 1.83(a). Applicant respectfully disagrees with the Examiner. As the Examiner correctly points out, the claims recite various specific types of structural weaknesses, including perforations, scoring, microperforations, and multiple laminate film, however "[An] applicant... is required to furnish a drawing... where necessary for the understanding of the subject matter sought to be patented..." 37 CFR 1.81(a). The drawings submitted with the Application, which show areas of structural weakness 12, are believed sufficient to understand the subject matter, a reclosable bag having areas of structural weakness. Further, the specification includes several references to perforations, scoring, microperforations, and multiple laminate film as acceptable types of structural weakness, see for example page 6, lines 21 - 35. The Applicants assert that the claims, taken together with the drawings and specification provide sufficient understanding to one skilled in the art to realize that the areas of structural weakness may include perforations, scoring, microperforations, and multiple laminate film. The areas of structural weakness shown in the drawings illustrate an embodiment of the reclosable bag, not the only embodiment of the bag. A patent specification is not intended or required to be a production specification. MPEP 608.01(h). Accordingly, applicants assert that the claims, together with the specification and drawings, provide a clear disclosure of the subject matter of claims 90 - 94, inclusive, and claims 110 - 114, inclusive, withdrawal of the objection to the drawings is requested. There is no intention of abandonment of the present application for any reason and particularly for non-response to the objection of the drawings under 37 CFR 1.83(a).

2. Claim 116 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Claim 116 has been amended to more particularly claim the subject matter applicants regard as the invention. No new matter has been added. The purpose of the amendment to claim 116 is not to narrow the scope of these claim elements for the purpose of obtaining an issued patent, and the applicants specifically and affirmatively allege that they have not done so, but rather to clarify a technical error of grammar. Accordingly, the applicants expressly put the examiner and the public on notice that this claim and all elements thereto have the same scope and equivalents as

this claim had prior to said amendment. Withdrawal of the rejection of claim 116 under 35 U.S.C. 112 is respectfully requested.

3. Claims 75 - 78, 81 - 85, 89, 90 92, 96 - 98, 101 - 105, 109, 110, 112, and 117 are rejected under 35 U.S.C. 102(a) as being anticipated by Plourde. The applicants have studiously considered the Plourde reference and respectfully disagree with the examiner. The Plourde reference neither discloses nor claims the features of the present claims, namely a reclosable bag having at least one fold structure and an opening located generally opposite the fold structure; the bag being capable of being filled with at least one food product through the opening. Rather, the Plourde reference discloses a reclosable bag formed from a flattened tube sheet material (see column 2, lines 12, 32 - 35; and column 3, line 6 and lines 61 - 64). The tube material is sealed transversely (see Column 2, line 35) and the zipper tape is attached longitudinally (see Column 3 line 63). The Plourde device is filled through the side of the bag. The Plourde device is unable to be filled opposite any fold structure since, being a tubular material, any presumed fold structure is opposite another fold structure, not an opening. In contrast, the present application claims a novel reclosable bag that is capable of being filled through an opening located opposite the fold structure. The present structure reduces the manufacture and fill problems associated with bags such as that disclosed in Plourde, namely food product contamination of margins sealed after introduction of food product into the bag and the possibility of leaky zippers adjacent the side seal. Note also the need for further sealing of open edges in the Plourde device (see column 2, lines 29 - 31). Accordingly, Applicants assert that independent claims 75, and 96 present patentable material and avoid the Plourde reference. Allowance is respectfully requested. Claim 117 has been deleted, without prejudice. Claims 74 - 78, 81 - 85, 89, 90 92, and claims 97 - 98, 101 - 105, 109, 110, and 112 depend from independent claims 75 and 96 respectively, believed allowable. As such claims 74 - 78, 81 - 85, 89, 90 92, 97 - 98, 101 - 105, 109, 110, and 112 are also believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 102(a) is requested.

4. Claims 75 - 78, 81 - 85, 89, 90 92, 96 - 98, 101 - 105, 109, 110, 112, and 117 are rejected under 35 U.S.C. 102(e) as being anticipated by Plourde. As discussed with regard to the rejection under 35 U.S.C. 102(a), paragraph 3 above, applicants assert that the Plourde reference does not disclose or claim the features of the present claims. Particularly, Plourde discloses and claims a reclosable bag that is unable to include the specific features of the present claim, namely a reclosable bag having at least one fold structure and an opening located generally opposite the fold

structure; the opening capable of being filled with food product through the opening. Accordingly, it is respectfully requested that the rejection be withdrawn and independent claims 75 and 96 be passed to allowance. Claim 117 has been deleted, without prejudice. Claims 74 - 78, 81 - 85, 89, 90, 92, and 97 - 98, 101 - 105, 109, 110, and 112 depend from independent claims 75 and 96 respectively, believed allowable. As such claims 74 - 78, 81 - 85, 89, 90, 92, and 97 - 98, 101 - 105, 109, 110, and 112 are also believed to be in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 102(e) is requested.

5. Claim 117 is rejected under 35 U.S.C. 102(b) as being anticipated by Peppiatt. Claim 117 has been deleted, without prejudice.

6. Claim 117 is rejected under 35 U.S.C. 102(b) as being anticipated by Boeckmann et al. Claim 117 has been deleted, without prejudice.

7. Claims 86 - 88 and 106 - 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde. As discussed above in paragraphs 3 and 4, independent claims 75 and 96 are believed to present patentable material and avoid the Plourde reference. Claims 86 - 88 and 106 - 108 depend from independent claims 75 and 96 respectively, believed allowable. As such, claims 86 - 88 and 106 - 108 are also believed to be in condition for allowance. Withdrawal of the rejection of claims 86 - 88 and 106 - 108 under 35 U.S.C. 103(a) is requested.

8. Claims 91 and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde. As discussed above in paragraphs 3 and 4, independent claims 75 and 96 are believed to present patentable material and avoid the Plourde reference. Claims 91 and 111 depend from independent claims believed allowable, and as such claims 91 and 111 are also believed to be in condition for allowance. Withdrawal of the rejection of claims 91 and 111 under 35 U.S.C. 103(a) is requested.

9. Claims 93 - 95 and 113 - 115 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde. As discussed above in paragraphs 3 and 4, independent claims 75 and 96 are believed to present patentable material and avoid the Plourde reference. Claims 93 - 95 and 113 - 115 depend from independent claims believed allowable, as such claims 93 - 95 and 113 - 115 are also believed to be in condition for allowance. Withdrawal of the rejection of claims 93 - 95 and 113 - 115 under 35 U.S.C. 103(a) is requested.

10. Claim 116 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plourde. As discussed with regard to the rejections of claims 75 - 78, 81 - 85, 89, 90, 92, 96 - 98, 101 - 105, 109,

110, and 112 in paragraphs 3 and 4, above, applicants assert that the Plourde reference does not disclose or claim the features of the present claims. Particularly, Plourde discloses and claims a reclosable bag that is unable to include the specific features of the present claim, namely a reclosable bag having at least one fold structure and an opening located generally opposite the fold structure; the opening capable of being filled with food product through the opening. Accordingly, it is respectfully requested that the rejection of claim 116 under 35 U.S.C. 103(a) be withdrawn, and independent claim 116 as amended be passed to allowance.

Applicants respectfully request that the objections and rejections be removed, that amended claim 116 and claims 75 - 78, inclusive, 81 - 98, inclusive, and 101 - 115, inclusive, be passed to allowance.

Respectfully Submitted,

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